



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

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Tentative Notice of Action

MEETING DATE April 8, 2016	CONTACT/PHONE Brandi Cummings, Project Planner (805)781-1006 bcummings@co.slo.ca.us	APPLICANT Jim Colo	FILE NO. DRC2015-00066
LOCAL EFFECTIVE DATE April 22, 2016			
APPROX FINAL EFFECTIVE DATE May 13, 2016			
SUBJECT A request by JIM COLO for a Minor Use Permit/Coastal Development Permit (DRC2015-00066) to allow the establishment of a vacation rental at an existing single-family residence. The project will result in no site disturbance. The proposed project is within the Residential Multi-Family land use category and is located at 1872 Strand Way, approximately 0.4 miles southwest the Pier Avenue and Lakeside Avenue intersection, within the community of Oceano. The site is in the San Luis Bay (Coastal) sub-area of the South County Coastal Planning Area.			
RECOMMENDED ACTION Approve Minor Use Permit / Coastal Development Permit DRC2015-00066 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption was issued on March 2, 2016 (ED15-166).			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Local Coastal Program Area, Coastal Appealable Zone, Small Scale Neighborhood, Archaeological Study Area, Airport Review Area, Flood Hazard, Sensitive Resource Area, Small Scale Neighborhood, Terrestrial Habitat	ASSESSOR PARCEL NUMBER 061-072-003	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None applicable. <i>Does the project meet applicable Planning Area Standards: Yes – see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program Area, Appeals to the Coastal Commission, Residential Vacation Rentals <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant to Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any land use permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Single Family Residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-Family / Residences <i>South:</i> Recreation / Arroyo Grande Creek <i>East:</i> Residential Multi-Family / Residences <i>West:</i> Recreation / Oceano Beach	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, California Coastal Commission, Oceano Community Services District, Oceano Advisory Council	
TOPOGRAPHY: Nearly level	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Community system / Oceano CSD Sewage Disposal: Community system / Oceano CSD Fire Protection: Five Cities Fire Authority	ACCEPTANCE DATE: February 24, 2016

DISCUSSION

The applicant is proposing to use an existing 2,700 square foot single family residence as a residential vacation rental. The residence consists of four bedrooms, three bathrooms and a two car garage. The proposed residential vacation rental is not to operate differently than a full time occupied single family residence; therefore conditions for operational standards have been added to this permit. Because these standards set parking requirements, limit the number of occupants, and designate a 24-hour property manager contact, potential impacts can be avoided.

LAND USE ORDINANCE STANDARDS

Section 23.01.043 – Appeals to the Coastal Commission. As set forth in the Public Resources Code Section 30603(a), and this title, an action by the County on a permit application, including any Variance, Exception or Adjustment granted, for any of the following projects may be appealed to the California Coastal Commission:

1. Developments approved between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach.

Staff Comments: The project is appealable to the Coastal Commission because the project is considered development between the sea and the first public road according to the official Local Coastal Program Permit and Appeal Jurisdiction map. The project is also appealable because a Residential Vacation Rental is not a principally permitted use.

Section 23.07.120 – Local Coastal Program Area. The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

Section 23.08.165 – Residential Vacation Rentals. Coastal Zone Land Use Ordinance section 23.08.165 governs the establishment of residential vacation rentals in the coastal zone. However, the standards set forth in this section only apply to the urban areas of Cambria, Cayucos and Avila Beach. Vacation rental requests for other coastal communities can be approved through a Minor Use Permit.

Staff Comments: The proposed project is located in the Community of Oceano and therefore the Residential Vacation Rental Ordinance standards do not apply. While those standards only apply to Zoning Clearances issued in Cambria, Cayucos and Avila Beach, they can be added to a discretionary permit if appropriate. The proposed residential vacation rental is not to operate differently than a full time occupied single family residence; therefore conditions for residential vacation rental operational standards have been added to this permit. Because these standards set parking requirements, limit the number of occupants, and designate a 24-hour property manager contact, potential impacts to surrounding property owners can be avoided. The proposed conditions of approval have routinely been added to other minor use permits for establishment of residential vacation rentals.

COASTAL PLAN POLICIES:

Following is a brief list of the Coastal Plan Policies (discussion of specific applicable policies following):

Shoreline Access: N/A

Recreation and Visitor Serving: ☒ Policy No(s): 1 & 2

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: ☒ Policy No(s): 1 & 7

Coastal Watersheds: N/A

Visual and Scenic Resources: N/A

Hazards: N/A

Archeology: N/A

Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Recreation and Visitor Serving Facilities

The Coastal Plan policies for Recreation and Visitor serving uses are focused primarily on commercial recreational uses and commercial lodging facilities such as hotels, motels, bed and breakfast establishments and recreational vehicle parks. These are all classified as transient lodging in Coastal Zone Framework for Planning, Table "O". Residential Vacation Rentals are single family residences by design (or occasionally multi-family residences) and are listed in the Residential use group in Table "O". Although they do serve visitors they are sometimes rented by the month or not rented at all subject to the desire of the property owner. While Coastal Plan Policies generally

encourage visitor serving facilities in certain circumstances, residential vacation rentals are not discussed.

Policy 1: Recreation Opportunities: Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means.

Staff Comments: The proposed project supports this policy by creating visitor serving lodging opportunities within an existing single family residence. The existing residence is within close proximity to many recreational opportunities in the community of Oceano. The existing residence is within walking and biking distance to the beach, Oceano Memorial Park, Pismo Dunes Natural Preserve, and other facilities for recreational uses. This project is consistent with this policy.

Policy 2: Priority for Visitor Serving Facilities: Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222. All uses shall be consistent with protection of significant coastal resources. The Land Use Plan shall incorporate provisions for areas appropriate for visitor-serving facilities that are adequate for foreseeable demand. Visitor-serving commercial developments that involve construction of major facilities should generally be located within urban areas. Provisions for new facilities or expansion of existing facilities within rural areas shall be confined to selected points of attraction.

Staff Comments: This project complies with this policy as it creates visitor lodging opportunities within the urban area of Oceano and recognizes statewide priority to protect and enhance public opportunities for coastal recreation.

Public Works

Policy 1: Availability of Service Capacity: New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

Staff Comments: The project is consistent with this policy because the existing residence currently has water and sewer service from the Oceano Community Services District.

Policy 7: Permit requirements: A permit is required for projects within the coastal zone.

Staff Comments: The applicant is requesting approval of a Minor Use Permit / Coastal Development Permit, consistent with the requirements of this policy.

COMMUNITY ADVISORY GROUP COMMENTS

The Oceano Advisory Council has repeatedly expressed concerns about traffic, parking too many vehicles, conversion of garages to bedrooms or group rooms, and occupancy limits of vacation rentals in the community.

Staff Comments: Conditions for residential vacation rental operational standards have been added to this permit to address the Community Advisory comments. Such conditions include a local property manager or contact person to be available 24 hours a day to respond to tenant and neighborhood questions or concerns, and the proposed residential vacation rental is also conditioned to comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall ensure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property. There is also a condition that all parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway, and the tenants of the vacation rental shall not use on-street parking at any time. The maximum number of occupants allowed in the proposed residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or ten persons total. The existing residence is currently permitted as a four bedroom residence, and is not permitted to convert the garage into a bedroom or a group room. Penalties for violation of the conditions of approval may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License.

AGENCY REVIEW

Public Works – per attached referral response (Tomlinson, December 11, 2015), no concerns.

California Coastal Commission – no response

Oceano Community Services District – see attached verification of water and sewer service.

LEGAL LOT STATUS

The existing parcel is Lot 20 or Block 36 of Oceano Beach Subdivision Number 2, as recorded on August 3, 1905 in Book A, Page 150 of Maps.

Staff Report prepared by Casey Haas and reviewed by Brandi Cummings and Airlin Singewald.